

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OMARR L. BURNETT,

No. C 09-04693 SBA (PR)

Plaintiff,

**ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFF'S  
FIFTH REQUEST FOR EXTENSION OF  
TIME TO FILE OPPOSITION TO  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

v.

DEPUTY FRAYNE, et al.,

Defendants.

On May 4, 2011, Defendants filed their motion for summary judgment. Plaintiff's opposition to Defendants' motion for summary judgment was due on December 30, 2011; therefore, it is currently overdue.

Before the Court is Plaintiff's "Motion to Stay" (docket no. 63), in which he requests a "stay in proceedings" because he is

without a Professional Attorney needed to meaningfully represent his claims, the SVSP's law library is woefully deficient, Plaintiff is a lay person without any formal civil training in Civil law, that Plaintiff is going home on February 12[,] 2012 etc; and that in the interests of justice the action should be heard and granted.

(Pl.'s Mot. to Stay at 1.)

The Court notes that Plaintiff has already received previous extensions of time to file his opposition to the motion for summary judgment. The original deadline for his opposition was July 5, 2011, but it was extended to August 15, 2011 when the Court granted Plaintiff's second request for an extension.<sup>1</sup> On August 25, 2011, Plaintiff's third request for an extension was also granted, and he was given until September 30, 2011 to file an opposition. Finally, Plaintiff's fourth request for an extension was granted, and, as mentioned above, he was given until December 30, 2011 to file an opposition. Therefore, Plaintiff has already received one hundred forty-seven (147) additional


<sup>1</sup> The Court notes that Plaintiff's first request indicated that the deadline to file his opposition was on "June 7, 2011"; therefore, he had requested an extension up to and including "July 4, 2011." (June 5, 2011 Req. for EOT at 1.) The Court granted his request in an Order dated June 13, 2011. However, the Court notes that Plaintiff's opposition was actually due on July 5, 2011, sixty days after the motion for summary judgment was filed. Therefore, Plaintiff's first extension request was not necessary.

1 days to file his opposition. Nevertheless, the Court finds that another very brief extension of time is  
2 appropriate; however, a "stay of proceedings," as Plaintiff requests will not be granted. Instead, the  
3 Court construes his motion as a fifth request for an extension of time to file his opposition to  
4 Defendants' motion for summary judgment after his release date on February 12, 2012.  
5 Accordingly, Plaintiff's fifth request for an extension of time to file his opposition to Defendants'  
6 motion for summary judgment is GRANTED in part and DENIED in part. Plaintiff must file his  
7 opposition no later than **February 3, 2012**. Defendants' reply to the opposition must be filed no  
8 later than **February 29, 2012**. **This is the final extension that will be given to Plaintiff, and no**  
9 **further extensions of time will be granted in this case.**

10 This Order terminates Docket no. 63.

11 IT IS SO ORDERED.

12 DATED: 1/27/12

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14 SAUNDRA BROWN ARMSTRONG  
15 United States District Judge  
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1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4  
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6 OMARR L. BURNETT,  
7 Plaintiff,

Case Number: CV09-04693 SBA

**CERTIFICATE OF SERVICE**

8 v.

9 FRAYNE et al,

10 Defendant.  
11 \_\_\_\_\_/

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
13 Court, Northern District of California.

14 That on January 30, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said  
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
16 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
17 located in the Clerk's office.

18 O'Marr L. Burnett F-26842  
19 Salinas Valley State Prison  
20 P.O. Box 1050  
21 Soledad, CA 93960-1050

22 Dated: January 30, 2012

23 Richard W. Wieking, Clerk  
24 By: LISA R CLARK, Deputy Clerk  
25  
26  
27  
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